

**Minutes for the
Daggett County Planning & Zoning
Public Hearing & Meeting**

October 21, 2015

Members Present: Woody Bair; Chair, Al Ladeau, Stew Leith, Brian Raymond; alternate, Carrie Poulsen; alternate and secretary

Members absent: Chad Reed, excused

Guest Present: Dave Orr, Thompson Davis of Dutch John Resort, Niel Lund; county attorney

1. **Welcome:** Woody Bair welcomed everybody and called the meeting to order at 6:00 PM.

Public hearing: Tension Membrane Structures. No comments from the public. The board and Niel have reviewed the ordinance. Woody noticed number 2- c says thirty with 60 in parentheses and Carrie has fixed that. Stew motioned to close public hearing, Al Seconded. All in favor. Public hearing closed.

2. **Public Comments:** 5 minutes if needed. There were no comments from the public.
3. **Approval of Minutes: September 16, 2015.** Stew motioned to approve the minutes of September 16, 2015 as written, Al seconded. All in favor, motion passed.
4. **Consideration and discussion: Dutch John Resort.** Thompson said they were in front of the board in March regarding the expansion of the C- Store and a couple of storage buildings. They want to discuss the C-Store now. They have found that they have come to an impasse and have decided that their original plan to add a second floor is not going to work. Now they want to add on horizontally and have brought in the modification to their original application that was done in March, 2015. Stew asked how close this is going to be to the station. They wanted to tear down the station but they did not get a permit from the County so now they can't as Dutch John still has a moratorium on building permits. Right now they have the engineered foundation and footing plans for the fly shop and the dining area. Woody asked if any of what was on the plans was existing and Thompson said the center part is. Thompson said they have already torn down a fence and will move some of the portable buildings. Thompson showed some rough plans of the whole building, which will be a total of 158 feet long. He explained how the new doors will be and they will be air locked and it is between E and D on the plans. The 3rd sheet is a 3d drawing of the new building. It looks like it has a flat roof but it doesn't, they are going to use some trusses that taper to the back. Stew asked if the plan is to tear down the service station once they can get a permit from the city and Thompson said yes. Carrie asked if they are just asking for a foundation permit at this time and yes so they able to get started since the rest of the plans are not ready due to the changes. Woody asked if the Dutch John town council is against this plan or if they have even seen it. Thompson and Dave did not want to speak for the town council but they have not expressed any resistance to it, Thompson

said they have presented this plan to the Dutch John Town Council. Woody asked Niel about the county moving forward with this permit. Niel said it is the same permit just with the proposed changes and the law allows for this. Stew asked about the firewalls, Thompson said the existing wall of the service station will stay and they will build a 16" firewall on the new structure. Thompson also explained that there will be ADA bathrooms on both sides. Woody asked about the application and if it was complete, Carrie said we are going by the previous application that was done in March, just with these changes, and she will note that this is just the foundation part and the rest when they have their engineered plans ready. Woody asked for any other questions. Niel asked about the board needing to approve the plans and Carrie said just the site plans. Matt Tate had asked that this come before the board because of the changes. Niel questioned if a motion is necessary. Brian asked if these plans are sufficient for Matt, they are not and Thompson had more plans including a site plan. Carrie asked them to leave a copy of the site plan. Thompson said they will not be affecting any setbacks. The main setbacks would be right of ways and highway, or utility easements on commercial property. Stew motioned to approve the plans for a foundation permit, pending Matt Tate's approval, Al seconded. All in favor. Motion passed. The next topic they wanted to discuss was the two storage buildings they want to build. They showed the board the site plans for these. Dave Orr asked if the board had approved the 2 buildings before. Stew thought the board had agreed on them but Dave Orr said the minutes do not reflect that. Woody said he does not recall that. Dave Orr said that if the board had approved the two buildings then Dutch John will give them a letter stating that it is ok for the county to issue the permit for them. Brian said another issue is there was never an actual building permit application on the two storage buildings before July 31, 2015. Brian also said these buildings were not on the original site plan submitted in the past. Thompson said in the past they never submitted applications to the board, just the plans. Thompson said the thing that blindsided this was Matt Tate wanted a core sample on the existing concrete. Thompson thought Dutch John was taking over January 1, 2016 not July 31, 2015. They thought they had time and they were working with the building inspector on what he wanted. Dave said Dutch John put exemptions on existing permits, what they meant was the actual application, which they do not have. Dave said he came to the board in August with the core sample, we sent him to Dutch John and then he was told they were not going to issue a permit because they have a 6 month moratorium. Dave said Dave McDonald told him to get permission from the county that they will do the inspections for it and then Dutch John will approve it. Dave Orr said he then went to the County commissioners and they said ok if you get a letter from Dutch John saying it is ok for us to inspect it then we will do it, and to get approval from the County Planning & Zoning. Bottom line is there was not an application before July 31, 2015. Woody said it would be very irresponsible for this board to say go ahead with anything. Woody asked what does planning and zoning need to do. Dave Orr said they are asking if Dutch John gives a letter saying it is ok for the County to do the inspections would we authorize it. Dave said if we do not object, then Dutch John will meet Monday night and they will give a letter saying they accept this, and then they will bring it to the Commissioners for approval. Niel said the only thing this board needs to consider is if we are willing to handle the application if they submit it. Niel said the problem is the law goes off the application date. There was not an

application by the deadline of July 31, 2015 and by that jurisdiction moves to Dutch John. Dutch John does not have the capacity to handle an application right now. If Dutch John wants the county to handle the application, Niel has told the County Commissioners that he would be hesitant to do so without a written agreement from Dutch John saying so. Niel is concerned about the liability that if the county does it and then Dutch John turns around and says they did not want it approved and if something is done wrong. Niel said it needs to be an interlocal agreement, so both the County Commissioners and the Dutch John Town Council will sign it and it will be a mutual agreement saying this service needs to be provided since Dutch John can't do it and asks the county to step in and provide the service for them. Niel said he would be hesitant to enter into an agreement like that unless it said we could handle it according to our regular procedures, and we handle it fully. That is also what Thompson would like as well. Niel said the Dutch John Council had a meeting with the County Commissioners and he said it didn't sound like that was what the town council wanted. Niel said it needs to come from Dutch John first, not this board. Dave Orr wants to get on the Dutch John agenda but doesn't want to if we will not accept this. Niel said all this board is doing at this point is to determine whether or not we would be willing to handle this matter if Dutch John can't. Niel said if the board wanted to do a letter as a board that would be ok but in his mind it is Dutch John that should be initiating the process. Thompson said they are not asking the board to approve the permit at this time, just to look at it if Dutch John will transfer the venue. Woody asked why Dutch John can't process it and the reply was they have a 6 month moratorium on all permits. Woody stated that as a group Dutch John does not want to build at this time and they have asked us not to step in. Niel said he would advise this board not to consider an application until there is a written agreement with Dutch John. Stew motioned to move forward if there is an interlocal agreement, initiated by Dutch John. Al seconded, no more discussion, all in favor. Motion passed. Woody said Dave McDonald can call him if he has any question about what the board discussed.

5. **Consideration and Discussion: Membrane Tension Ordinance.** Brian asked about the change on 2c. It is changed to sixty (60) days. Number 5 should read A Daggett County Membrane structure permit application must be completed with an acceptable set of applicable engineered plans, and turned into the Daggett County Planning and Zoning Administrator with all pages and data as described below. Get rid of 5-a and include it in the above sentence. Change on 5-a-3 from wastewater to wastewater system. There is also 2 3's and the second 3 should be number 4 and number 4 to number 5. On the new 5-a-4 take out free of guy ropes and stakes. Include guy ropes and stakes in the definition of tension membrane structure. Carrie asked if high tunnels also need to be exempt from this ordinance since they are exempted in the municipal state code, but agriculture buildings are exempt anyway so does not need to be added. Stew motioned to recommend the tension membrane structure to the County Commissioners with the changes. Al seconded no more discussion. Motion passed. Carrie will get this rewritten and send out to the board just for review before sending it on to the Commissioners.
6. **Consideration and discussion: Checklist for consistency on building permits.** This will be used internally and also can be shared maybe as part of the building permit application. Woody made a recommendation for the board to work on and to task Carrie to do some more research. After discussion it is decided that this will be more of a quick reference guide for the board and

for Carrie to make sure the board is consistent on what we are requiring. Carrie asked what the board would like on there and they said fire, water, wastewater, site plan, complete application, for starters. Make sure everything we are asking for is in the ordinance. After discussion it was tabled for follow up.

7. **Building Permit Report.** Carrie said Matt apologized that he has not been able to do any follow ups. He was able to issue the 2 Certificates of Occupancy for the 2 larger cabins for Dutch John Resort. Matt did say he will try to start working on the older ones again.
8. **Public Lands Report.** Jack was not here so Brian said the only thing new is Mark Ward is working on HB323 requirements.
9. **Discussion: Article in Newsletter for Planning & Zoning.** Carrie said it was just an idea that she and Linda had. After discussion Al will review the proposed draft. Brian said that since this is going in the County Newsletter that it should also be reviewed by the Commissioners. The board would like to invite Matt Tate to possibly give some training on when a permit is needed. Next year the new IBC books come out and maybe wait until next year for the new codes. Also discussed how to handle complaints. Tabled for further discussion.
10. **Consideration and discussion:** By-laws for Planning & Zoning. Change in Article 1, section 2, referencing the correct state code. Article II Section 1; require being a resident of unincorporated Daggett County. Board wants this change. After discussion Stew motioned to table for more information from Brian and Carrie. Al seconded. All in favor, motion passed. Have on next agenda.
11. **Consideration and Discussion: Guest house/bunk house. Ordinance has definition but not mentioned anywhere else.** Woody asked if Sterling might of found this as an inconsistency. Brian also said that if it is not specifically allowed then it is disallowed. Niel said it is less work to make a current section applicable to guest house than to create a new ordinance. If a conditional use permit will be required then would also have to change the conditional use ordinance. After discussion Stew motioned to table for further review after Sterling codification. Al seconded. All in favor, motion passed.
12. **Follow up/ Old Business:**
 1. Storage Container Ordinance. County Commissioners passed on October 14, 2015. The board needs the updated version in their ordinances.
 2. Hand in Hand Outdoor Veterans Camp. Nothing new, still has not received the engineered plans but the Commissioners let them pour their foundation. Matt approved it as well.
 3. Dutch John Planning & Zoning. Matt Lucas building permit was given to Dave McDonald on September 29, 2015 per Matt Lucas's permission. Sent Jon Aoki's variance application back to him on October 5, 2015.
13. **Goals: Full time board member.** Woody has not talked to Ryan and has not received a letter of resignation from him but he has moved. Woody said Chad has been excused for tonight.
14. **Items for next agenda:** Next meeting should be November 18, 2015 at 6:00 PM. Items as discussed. Al stated he is leaving November 12, 2015 until April 10, 2016. Woody said Al had stated that he would like to remain as an alternate and he would like to come back and will be available by phone and email. Al gave a note to be entered as a record as an excuse for his absence. Discussion on extension from Sterling on codification of Ordinances to December 31,

2015. Woody asked Niel on how many more hours Planning & Zoning should work on this, and board thought they were at least $\frac{1}{4}$ to $\frac{1}{3}$ of the way finished. Niel thought maybe at least 6 more hours. Next work meeting scheduled for November 4, 2015 from 6:00 to 8:00 PM and will schedule more work meetings after that as needed. Next regular meeting for November 18, 2015. Niel will not be at that meeting. Stew motioned to adjourn, Al seconded. Meeting adjourned at 8:06 PM.